



RECEIVED

NOV 17 2009

OFFICE OF PETITIONS

## FENWICK &amp; WEST LLP

Silicon Valley Center • 801 California Street • Mountain View, CA 94041  
Tel 650.988.8500 • Fax 650.938.5200 • www.fenwick.com

## FACSIMILE TRANSMISSION

CONFIDENTIAL

DATE: November 11, 2009

CLIENT-MATTER No.: 24207-08967

To:

NAME	FAX No.	PHONE No.
Commissioner of Patents Maintenance Fee Branch	571-273-6500	

FROM: Robert R. Sachs

PHONE: (415) 875-2410

SENT BY: Sarah Glenn

PHONE: (650) 335-7937

NUMBER OF PAGES WITH COVER PAGE: 4

ORIGINAL WILL NOT FOLLOW

## MESSAGE:

Please see attached Itemized Deficiency Statement for Delayed Notification of Loss of Small Entity Status.

## CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE OR THEIR DESIGNEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR IF THEY ARE NOT CLEAR,  
PLEASE CALL TOMIKA THOMAS AT (415) 875-2474 AS SOON AS POSSIBLE.

A9000/00000/DOCS/2056164.1

## IN THE UNITED STATES

## PATENT AND TRADEMARK OFFICE

RECEIVED

NOV 17 2009

OFFICE OF PETITIONS

APPLICANTS: James B. Pitkow et al.  
PATENT NO.: 7,031,961  
ISSUE DATE: April 18, 2006  
APPLICATION NO.: 09/730,501  
FILING DATE: December 4, 2000  
TITLE: System and Method for Searching and Recommending Objects  
from a Categorically Organized Information Repository  
ATTY. DKT. NO.: 24207-08967

ITEMIZED DEFICIENCY STATEMENT FOR DELAYED NOTIFICATION OF LOSS  
OF SMALL ENTITY STATUS, PURSUANT TO 37 CFR § 1.28(c) and (d).

SIR:

The Patent and Trademark Office is hereby notified with respect to the subject patent that small entity status is no longer appropriate. Patent maintenance fees should be paid as large entity.

Applicants hereby file an Itemization of the Deficiency Payment along with a Payment of the Deficiency Owed.

11/13/2009 DALLEN 00000060 192555 7031961  
01 FC:1559 490.00 DA

24207/08967/DOCS/2146947. 11

## **I. ITEMIZATION OF THE DEFICIENCY PAYMENT**

Following is a list of each particular type of fee that was erroneously paid as a small entity, the current fee amount for a non-small entity, the small entity fee actually paid, and the date of payment:

1. First maintenance fee was paid on October 19, 2009. The amount of \$490 was paid. Under 37 CFR § 1.20(e), the current fee amount for third maintenance fee for a non-small entity is \$980. Under 37 CFR § 1.28(c)(2)(i), the deficiency amount owed based on this transaction is equal to the amount (previously) paid in error, i.e. \$490.
2. The total deficient payment owed is \$490.

## **II. PAYMENT OF THE TOTAL DEFICIENCY PAYMENT OWED**

Please charge my Deposit Account No. 19-2555 in the amount of \$490 to cover the above fees. The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2555.

### III. CONCLUSION

By filing this statement, Applicants have complied with the requirements for having this error excused pursuant to 37 CFR § 1.28(c).

Pursuant to 37 CFR § 1.28(d), the present deficiency payment submitted under 37 CFR 1.28(c) is treated as a notification of a loss of entitlement to a small entity status. Accordingly, Applicants respectfully urge the Office to accept the present notification of change in entity status.

Respectfully submitted,  
JAMES B. PITKOW ET AL.

Dated: November 11, 2009 By: /Robert R. Sachs/  
Robert R. Sachs, Reg. No.: 42,120  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (415) 875-2410  
Fax.: (650) 938-5200